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File No. Prisons II
51 (R)

Legal Department
B **BRANCH**

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Subject:— Rules under the Prisons Act, 1894

P-3
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File No. Prisons II/51(R)

Gen. 194 e.

162-R

Legal Department.

The view taken by Home Department is not correct. Rule 55 relates to a Board of Visitors for each subsidiary Jail in each of the towns specified therein. Rule 56 relates to ex-officio visitors of the sub-jail mentioned in rule 55. Rule 57 relates to non-official visitors for each of the sub-jails referred to in rule 55; and sub-rule (4) of rule 57 then provides that "all appointments under this rule shall be notified in the Bombay Government Gazette. It is, therefore, clear that the provisions of rule 57(4) are x specifically restricted to the publication in the Bombay Government Gazette of the appointment of non-official visitors of each of sub-jails in each of the towns mentioned in rule 55.

In respect of the sub-jails in question the appointment can be made under a lett r by a District Magistrate.

Id/- J.R.D.
20/1

Additional Secretary to Government.

U.R. to H.D.No.1373,
dated the 22nd January 1951.

JPE.17/7/56.
4 copies.

Legal Department.

Rule 789 of the Bombay Jail Manual provides that the Superintendent should obtain a copy of judgment or heads of charge to the Jury from the convicting court. The proposal now is that the Superintendent should be authorised also to obtain copies of the High Court Judgement in respect of those prisoners whose sentence might either be reduced or enhanced.

2.Section 417 of the Criminal Procedure Code provides for an appeal to the High Court from an original or appellate order or an order of acquittal passed by any court other than a High Court. And section 423 empowers the High Court to pass sentences on the accused according to the law. Under section 439 of the High Court has got powers to pass a sentence or enhance the sentence in revision. The Home Department draft in so far as it provides for ontaining copies of judgment in appeals from High Court does not appear to give full effect to the object in view. A ~~rakk~~ revised draft notification is accordingly sent herewith.

Id/- ....
4/9

Deputy Secretary to Government.

U:R. to H.D.,No.14222,
dated the 5th September 1951

JPE.17/7/56.
4 copies.

Legal Department.

A revised draft form in place of H.D. form at page 11 ante is sent herewith.

As rule 55 to 60 of the rules contaned in the sub-Jail Manual, 1928, have been replaced by the rules for the appointment and guidance of visitors of subsidiary jails, published in G.N.,H.D.No.9180/3-IV(C), dated the 1st February 1940, reference to the Bombay Sub-Jail Manual, 1928, in the H.D. draft has been replaced by reference to the rules published in G.N.,H.D.No.9180/3-IV-(C), dated the 1st February 1940 in the revised draft.

Id/- ..

Deputy Secretary to Government.

U.R. to H.D.No.17001,

dated the 25th October 1951.

JPE.17/7/56.4c.